

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

KENNETH D. YOUNG,

Defendant-Appellant.

UNPUBLISHED

August 9, 2002

No. 232667

Wayne Circuit Court

LC No. 99-010470

Before: Talbot, P.J., and Cooper and D. P. Ryan*, JJ.

MEMORANDUM.

Defendant appeals as of right his bench trial conviction for second-degree child abuse, MCL 750.136b(3). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

On appeal, defendant argues that there was insufficient evidence to support his conviction. We disagree. In determining whether sufficient evidence has been presented to sustain a conviction, this Court views the evidence in the light most favorable to the prosecution and determines whether a rational finder of fact could find that the essential elements of the crime were proven beyond a reasonable doubt. *People v Johnson*, 460 Mich 720, 723; 597 NW2d 73 (1999).

The elements of second-degree child abuse are: (1) the defendant had care or custody of the child when the abuse allegedly happened; (2) the defendant committed a reckless act and as a result the child suffered serious physical harm; and (3) the child was under the age of eighteen. MCL 750.13b(3); CJI2d 17.20. Second-degree child abuse based on a reckless act is not a specific intent crime. MCL 750.13b(3)(a); *People v Todd*, 196 Mich App 357; 492 NW2d 521 (1992), vacated on other grounds, 441 Mich 922; 497 NW2d 188 (1993), on remand, 201 Mich App 216; 506 NW2d 9 (1993), mod 444 Mich 936; 509 NW2d 772 (1994).

Viewed in a light most favorable to the prosecution, there was sufficient evidence to support the conviction. Defendant's mother testified that defendant had care and custody of the child at the time of the injury and that the child was under age eighteen. The medical report,

* Circuit judge, sitting on the Court of Appeals by assignment.

which was admitted without objection, established that defendant committed a reckless act, and that the child suffered serious physical harm.

Affirmed.

/s/ Michael J. Talbot

/s/ Jessica R. Cooper

/s/ Daniel P. Ryan